

By: Uresti

S.B. No. 950

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to certain procedural measures in a suit affecting a  
3 parent-child relationship to protect a child against child neglect  
4 or physical or sexual abuse.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 153.004(e) and (f), Family Code, are  
7 amended to read as follows:

8 (e) It is a rebuttable presumption that it is not in the best  
9 interest of a child for a parent to have unsupervised visitation  
10 with the child if credible evidence is presented of a history or  
11 pattern of past or present child neglect or physical or sexual abuse  
12 by:

13 (1) that parent directed against the other parent, a  
14 spouse, or a child; or

15 (2) any person who resides in that parent's household  
16 or who by virtue of the person's relationship with that parent is  
17 otherwise likely to have unsupervised access to the child during  
18 that parent's periods of possession of or access to the child,  
19 directed against any person.

20 (f) In determining under this section whether there is  
21 credible evidence of a history or pattern of past or present child  
22 neglect or physical or sexual abuse by a parent or other person, as  
23 applicable [~~directed against the other parent, a spouse, or a~~  
24 ~~child~~], the court shall consider whether a protective order was

1 rendered under Chapter 85, Title 4, against the parent or other  
2 person during the two-year period preceding the filing of the suit  
3 or during the pendency of the suit.

4 SECTION 2. Section 153.0071(e-1), Family Code, is amended  
5 to read as follows:

6 (e-1) Notwithstanding Subsections (d) and (e), a court may  
7 decline to enter a judgment on a mediated settlement agreement if  
8 the court finds:

9 (1) that:

10 (A) [~~(1)~~] a party to the agreement was a victim  
11 of family violence, and that circumstance impaired the party's  
12 ability to make decisions; or

13 (B) the agreement would permit a person who is  
14 subject to registration under Chapter 62, Code of Criminal  
15 Procedure, or who otherwise has a history or pattern of past or  
16 present physical or sexual abuse directed against any person to:

17 (i) reside in the same household as the  
18 child; or

19 (ii) otherwise have unsupervised access to  
20 the child; and

21 (2) that the agreement is not in the child's best  
22 interest.

23 SECTION 3. The changes in law made by this Act apply only to  
24 a suit affecting the parent-child relationship pending in a trial  
25 court on the effective date of this Act or filed on or after that  
26 date. A suit affecting the parent-child relationship in which a  
27 final order is rendered before the effective date of this Act is

1 governed by the law in effect on the date the order was rendered,  
2 and the former law is continued in effect for that purpose.

3         SECTION 4. The enactment of this Act constitutes a material  
4 and substantial change of circumstances sufficient to warrant  
5 modification of a court order or portion of a decree that provides  
6 for the possession of or access to a child rendered before the  
7 effective date of this Act.

8         SECTION 5. This Act takes effect September 1, 2015.